



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

April 16, 2010

Board Members Present: Rebecca Grabski, OTA, Chair
Laura Beckman, OTR Member
Christine Rosenberg, OTR Member
Deborah Devine, Public Representative

Board Members Absent: John Tutelman, Vice – Chair, Public Representative

Staff Present: Wendy H. Hammon Executive Director
Vicki Egurrola, Administrative Assistant

Legal Representative: Montgomery Lee, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:32 p.m. Rebecca Grabski, Chair presiding.

Roll Call

All Board members were present with the exception of John Tutelman.

Approval of Minutes

Regular Session Minutes of March 12, 2010

Deborah Devine moved to approve the minutes as amended. Christine Rosenberg seconded the motion and it passed 4-0.

Hearing Minutes of January 20, 2010

Laura Beckman moved to approve the minutes as amended. Christine Rosenberg seconded the motion and it passed 4-0.

Declaration of Conflicts

No declarations were made.

Review Meeting Schedule

At this time the meeting schedule will stand as May 14, 2010 and June 11, 2010.

a. Initial Review of Complaints

Patricia Mezey, 09-OT-0262 – Board staff reported they had received a request to withdraw the complaint filed against Ms. Mezey. The Board had some discussion as to how to proceed. Legal Counsel confirmed the Board could dismiss the complaint or pursue it if there was merit to the issues disclosed. There was some discussion by the Board and they talked to the individuals present who had indicated they would talk to the Board. Ms. Hargett, who filed the complaint, was asked why she was withdrawing the complaint and she stated it was in her best interest to do so. She would not elaborate further. The other individuals present were also asked of their knowledge of the matter and none was forthcoming with any useful information. The Board discussed the matter again and Deborah Devine moved to dismiss the complaint. Christine Rosenberg seconded the motion and it passed 4-0. The Chair, Rebecca Grabski did address those individuals present expressing the displeasure of the Board given the time involved in copying the documents, etc. and in the future careful consideration should be given prior to filing documents with the Board office.

b. Complaint Action Status Report

Matthew Strang, 09-OT-4134 – Mr. Strang submitted copies of his completion certificates for the classes which were approved. This submission completed the terms of his consent agreement and Board staff recommended consideration be given to closing this complaint. Deborah Devine moved to close the complaint. Christine Rosenberg seconded the motion and it passed 4-0.

Shannon Brown, 08-011-C – Ms. Brown submitted additional classes for consideration and included a letter of explanation as to why this was not completed prior to her consent agreement expiring. Ms. Brown was present and told the Board she had completed the new classes and had certificates to substantiate the fact. After careful review Laura Beckman moved to approve the classes submitted. Deborah Devine seconded the motion and it passed 4-0. However, since the initial consent agreement had expired it was necessary for the Board to open another complaint against Ms. Brown in order for her to complete the requirements. Additionally, the Board was concerned about the length of time expired prior to Ms. Brown sending her CEU information. Therefore Laura Beckman moved to open a new complaint against Shannon Brown. Deborah Devine seconded the motion and it passed 4-0. Deborah Devine next moved to offer Ms. Brown a consent agreement which would include a 60 day probationary period, a requirement for her to take a course not less than 2 CEUs in time management, and a \$50.00 civil penalty. Laura Beckman seconded the motion and it passed 4-0.

Susan Nesbit, 09-OT-4090 - The Executive Director advised the Board Ms. Nesbit's appeal time has expired. She also advised the Board she had sent a certified letter requesting Ms. Nesbit to return her license and pay the \$1,000.00 civil penalty assessed at the hearing on January 20, 2010. The Board asked if this matter had been forwarded to the National Board of Certification of Occupational Therapists (NBCOT). The

Executive Director stated it had also been forwarded to the New York Board which is where Ms. Nesbit is currently residing.

Nicole Kell, 09-OT-4332 – The Executive Director advised the Board Ms. Kell had signed her consent agreement and had submitted the notes which were required by the agreement. The Board requested the Executive Director provide copies of the notes to the Board each month.

Carlina Cuttler, 10-OT-0097 – The Executive Director advised the Board this complaint would be heard at the May Board meeting.

Mary Louise Hymen, 10-OT-0495 - The Executive Director advised the Board this complaint would also be heard at the May Board meeting.

San Simon Letter – The Executive Director summarized the complaint which was very vague and did not contain names of either the Occupational Therapist or the Occupational Therapist Assistant. She also explained she had been in contact with the school's principal and he was surprised at the allegation. He checked with the teaching staff and others in the school which has approximately 220 students, 6 of which receive OT services. No one had a concern regarding the services provided or the supervision the OTA was receiving. He was able to determine the OT did make visits to the school so it was probably a misunderstanding on the part of the individual sending the letter. The principal was going to take the Executive Director's recommendation and have a staff meeting to assure everyone on the staff knew the program was operating correctly. The Board asked the Executive Director to send a copy of the statutes and rules so the principal had them for reference and could share them with the staff. The Board determined to take no additional action on the matter.

Substantive Review, Discussion, and Vote Re: Applications for Licenses as Follows:

a. Initial Application

Joanna Dobkowska	David Elias	Emilia Epperly	Cynthia Hettinger
Wendie Leveille	Ruth Millman	Pamela Mortisen	Rusty Raker
Margaret Richards	Catherine Roberts	Kay Ruess	Emily Schulz
Megan Toner			

Rebecca Grabski moved to approve the licenses with the exception of Cynthia Hettinger. Laura Beckman seconded the motion and it passed 4-0.

The Board then discussed the application of Cynthia Hettinger. Her fingerprint results showed a troubling arrest in 1992. Additionally, staff had done some research and found a discipline action from October 2009 which was also troubling. The Chair directed the Executive Director to send a letter to request additional specifics from Ms. Hettinger and any new information along with the information on file will be considered at the May Board meeting.

b. Renewal of Licenses

John Amos	Judith Arp	April Ater	Carrie Aubrey
Kodie Barnett	Alice Bertoldo	Dawn Bjornson	Angela Box
Susana Brat	Kathleen Bridges	Julie Burdick	James Carchidi
Denise Casson	Sara Clancey	Tracey Collier	Evelyn Cooper
Renee Cornejo	Robert Dahl	Doreen Davis	James Davis
Geri DeWaard	Diane Domanico	Tanya Dzingle-Baker	Jean Ehlers
Josephine Ekpenyong	Charlyn Ellison	Christina Eng	Donna Evans
Wendy Ferrell	Angela Figueroa	Riann Francis Hilt	Kara Gade
Jo Helen Gasky	Terry Gesell	Machelle Gliori	Lina Gonzalez-Ramn
Connie Greiser	Sue Guidry	Mary Hanna	Jodi Hansen
Dennis Hartmann	Deborah Hauser	Ruth Haxo	Marian Heaton
Monica Heinemann	Sheri Hentz	Efrain Herrera	Dina Holdren
Pamela Hood-Szivek	Ronda Horton	Mary Hull	Susan Jaworski
Lisa Jordan	Lynn Keeler	Jason Kern	Karen Kittle
Christina Knowles	Erin Kosolcharoen	Laurie Lane	Annette Lanman
Ann Marie Lara	Melissa Lee	Julie Malloy	Daniela Martinez
Marjorie Matthey	Brooke McCarthy	Amy Mccluer	Scot Mccoy
Janet Menke	Stephen Merkley	Doris Mesch	Genelle Mills
Kellie Mitchell	Lori Morse	Nancy Moses-Cobb	Bonnie Mroczkowski
Lisa Murphy	Matthew Neat	Kristin Niedbala	Bonnie Pape
Jeanne Perry	Kathleen Petersen	Lisa Pevehouse	Stephanie Pishos
Mary Prince	Diane Quisenberry	Jodie Raker	Lisa Ramos
Susan Reedy	Michael Reynolds	Wendy Reynolds	Jacque Robidoux
Teresa Roddy	Chad Romanoff	Victor Rositas	Anna Roth
Tina Sauber	Katherine Schofield	Varsha Shah	Maureen Siegel
Michelle Sladek	Kara Soderstrom	Roxanne Soethe	Lukas Starck
Christine Steele	Rachel Stoecklein	Anne-Marie Sunde	Mark Tadlock
Renee Tank	Kelly Tobin	Irinia Turner	Karen Waters
Shannon Watson	Bryan Webster	Cindy Webster	Barbara Weiman-Hendric
Barbara Weiss	Sherri Wright	Matthew Zion	

Deborah Devine moved to approve the renewal licenses. Rebecca Grabski seconded the motion and it passed 4-0.

c. Limited Permits

None			
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Review, discussion and Possible Action on Administrative Matters

a. Revenue and expenditure report

The Board reviewed and discussed the revenue and expenditure report. There was a brief discussion regarding the personal services costs and how they would vary month to month. The Executive Director explained the State is on a 26 pay cycle which means depending on the timing the posting may hit the following month or there may be a third pay period in a month.

b. Administrative Project Status Report

The Board reviewed and discussed the Administrative Status Report

Board Members – Board staff reported Laura Beckman had been reappointed but there was no additional news on the appointment of any other board members.

Policies and Procedures – Staff is continuing to work on the standard operating procedures as requested by the Board. Additionally the Chair had asked to have scripts developed for the Chair to use during the various meetings and hearings. The Executive Director asked legal counsel to discuss the informal meeting versus the formal interview as the statutes really do not delineate between the two. After the discussion, the Board determined they wanted to continue with the three layered process to assure due process was complete.

Staff also acknowledged there was a request to write a policy on making deposits and would like some guidance as to how the Board would like deposits handled. After a brief discussion it was determined the Board felt deposits should be made at least twice a week. With information a policy will be developed for review at the next Board meeting.

Additionally, there was a request to write a policy on leave time. The Board presented the Executive Director with a sample which had been used previously. The Executive Director recognized it as the policy widely used and developed by the Department of Administration. However, it would need to be modified since the breakdown was based on an old payroll system which has been replaced. This policy will be presented at the next Board meeting.

Next the Board discussed the notarization of the initial/renewal application form. The question was posed to legal counsel, who advised the statutes did not dictate this as a requirement. The Board could determine the requirements of the applications. After some discussion, the Board determined the initial application should be notarized but renewals did not need to be. Legal counsel did suggest the phrase “under penalty of perjury” be added to the affidavit as was customary on most applications. Deborah Devine moved to amend the application as discussed. Christine Rosenberg seconded the motion and it passed 4-0.

The next topic involved the sealing of licenses. Board staff had provided a copy of the license as it is currently being sealed and a copy of the Athletic Training license as it is sealed. The difference is a gold seal is applied prior to the embossing. The Board requested the license be modified to include the gold seal.

Rebecca Grabski discussed an email she received asking if the board could attend a meeting to speak on the rules. Apparently the Physical Therapy Board had attended and spoke about their rules. There was a brief discussion about the ability to speak and the need to avoid a quorum situation. Laura Beckman posed the question as to whether the organization might be confused and it may have been the professional association who actually spoke to the group. Rebecca Grabski asked Legal Counsel if it would be better to refer these questions to staff and he confirmed it would.

There was a brief discussion on the 2010 Annual State Regulatory Conference and possible attendance. The question was raised about payment for attendance. The Executive Director pointed out the statute provided for expense reimbursement for attendance at Board Meetings. Legal Counsel also stated there was a moratorium on out of state travel. The members discussed briefly the possibility of attendance.

The Executive Director advised the Board of the requirement to furlough. For FY10 she explained each staff must take one day of furlough leave. This can be staggered which the staff has elected to do. Therefore, the office will be covered during those days. For FY11 and FY 12 however, there are 6 furlough days that are set days on which the office will actually be closed. These dates will be posted to the website so individuals doing business with the Board will know in advance of this requirement.

The Executive Director advised the Board due to the need to process fingerprints for census workers, the FBI is stopping all regular processing for about a week. In the event the backlog may ensue when the fingerprinting begins again, she asked the Board if they wanted to see applications for which we had not yet received results. There was a brief discussion but the Board stated they did not want to see applications without fingerprint reports.

c. Agency Operations and Staffing

i. Other items as may be needed – The Board brought up the topic of the recent changes to the statutes of the Athletic Training Board which may impact on the Occupational Therapy Board. The Executive Director explained there were two possibilities. One is the Athletic Training Board has requested their funds be separated from the Occupational Therapy Fund. The second is they have requested hiring authority for positions for which they pay the salaries. This would involve 1.5 staff. The Boards share 50/50 in the funding of the Executive Director and they each pay for the salary of one of the staff persons. The Board expressed a concern the Board of not

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being advised of this change earlier. They requested a copy of the legislative action be provided at the next Board meeting.

Other Board Business

No other business was discussed.

Agenda items for next month's meeting – if any.

H.B. 2142

The Executive Director asked the members to let her know if any other topics came up prior to the next meeting.

Call to the Public

A call for public comment was issued by the Board with no response.

Adjournment

The meeting adjourned at 4:28 p.m., there being no further business before the Board.

Respectfully submitted,

Wendy H. Hammon
Executive Director